

Kansas Department of Health and Environment  
Proposed New Permanent Regulation

Lodging Establishments

28-36-72. Food service and food safety. Each licensee that serves food shall comply with one of the following provisions:

(a) Each licensee, if serving food to the general public, shall be required to obtain a food service license in accordance with K.S.A. 36-501 et seq., and amendments thereto, and comply with all applicable provisions of the Kansas food code regulations, K.A.R. 28-36-101 through K.A.R. 28-36-108.

(b) A licensee that provides only commercially prepared, individually portioned prepackaged foods that are non-potentially hazardous or offers whole, uncut fresh fruits or coffee for guests shall not be considered to be operating a food establishment as specified in K.A.R. 28-36-101, but shall comply with all of the following requirements:

(1) All food shall be free from spoilage, filth, or other adulteration and shall be safe for human consumption.

(2) Condiments, if provided, shall be in individual packages.

(3) Only single-service articles shall be used for serving food.

(4) Single-service articles shall be stored, handled, and dispensed in a manner that prevents contamination of food contact surfaces.

(5) All food service areas and all food contact surfaces shall be smooth, free of breaks, open seams, cracks, chips, and similar imperfections and shall be kept clean.

(6) All food shall be stored and presented in a way that protects the food from cross contamination.

(7) All food service and storage areas shall be free of the evidence of insects, rodents, and other pests.

(8) Employees that handle food shall observe hygienic practices during all working periods of food service. Employees shall wash their hands before working with food; after using the toilet, smoking, eating, and drinking; and as often as necessary to keep their hands clean.

(c) Each licensee of a hotel that stores, prepares, packages, serves, or otherwise provides food to the licensee's overnight guests shall obtain a food service license in accordance with K.S.A. 36-501 et seq., and amendments thereto, and comply with all provisions of the Kansas food code regulations, K.A.R. 28-36-101 through K.A.R. 28-36-108.

(d) Any licensee of a boarding house who does not have a food service license as specified in K.S.A. 36-501 et seq., and amendments thereto, may serve food only to the overnight guests. The licensee of each boarding house shall comply with all applicable provisions of the Kansas food code regulations, K.A.R. 28-36-101 through K.A.R. 28-36-108.

This regulation shall be effective on and after February 5, 2008. (Authorized by and implementing K.S.A. 36-506; effective, T-\_\_\_\_\_, \_\_\_\_\_; effective P-\_\_\_\_\_.)

